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DEC 21 2020

U.S. District Court
Western District of N.C.

**“District Court of the United States”
Western District
Statesville, North Carolina**

Curtis Edwin Leyshon, *In propria persona*,
Plaintiff,

)
) **Case No.: 5:20-cv-00157-KDB-DCK**
)
)

v.

**Michael Duncan, individual and official
Capacity; and,
B. Carlton Terry, individual and official
capacity;
And,
Pam Barlow, individual and official capacity;
And,
Matthew Levchuk, individual and official
Capacity,
*Defendants.***

RESPONSE TO DEFENDANT’S MOTION TO DISMISS

Comes Now, Curtis Edwin Leyshon, (“Leyshon”) *in propria persona* with this Response to Defendant’s Motion to Dismiss. The Defendants are represented by NCDOJ Special Attorney General Elizabeth Curran O’Brien, hereafter O’Brien.

ISSUES

1. STATUS OF PLAINTIFF

Plaintiff submitted with this complaint a sworn certificate of plaintiff’s status detailing precisely who, what, and where Plaintiff Curtis Edwin Leyshon is. It is self-authenticating and recorded in the Watauga County Register of Deeds office requiring mandatory judicial notice per evidence rule 901. He is not a “citizen of the United States”. He is a citizen of North Carolina, one of the several states guaranteed a republican form of government by the Constitution of the United States. This is Plaintiff’s birth right citizenship, and it is undisputed by O’Brien.

2. THE NATIONAL VOTER REGISTRATION ACT (NVRA)

O'Brien states in her "Memorandum in support of Motion to Dismiss" at "Statement of the Facts" in the first sentence "It appears that Plaintiff brings this action against the defendants (two judges, a clerk of court, and an assistant district attorney) for carrying out their various official duties....." In the content of her motion to dismiss Plaintiff's complaint O'Brien never addressed the issue of how the Defendants, every Defendant, were elected. O'Brien baselessly asserts that all the defendants were "duly elected" but she never addresses by who or where.

A. STATE

In the NVRA the term "state" is defined at 52 U.S.C.A. § 20502, to wit:

As used in this chapter.....(4) the term "State" means a State of the United States and the District of Columbia; and.....

By including the District of Columbia in the definition of a "State" it becomes incontrovertible that the term "State" does not include the several states simply by acknowledging there are only 50 of the several states as attested by the 50 stars on the flag. Likewise, the District of Columbia is subject to the plenary power of congress (Constitution of the U.S. Art. 1, Sec. 8., clause 17) and have no state rights. Plaintiff is not a "citizen of the United States" domiciled in the District of Columbia who "resides" in the "State" (STATE OF NORTH CAROLINA) that is subject to congress and there is no evidence that he is.

B. CITIZEN OF THE UNITED STATES

"Citizens of the United States", which are citizens domiciled in the District of Columbia under the 14th amendment which may reside in the "States" that include the District of Columbia, are registered to vote under the NVRA and can only vote for federal office as a matter of law. At 52 U.S.C.A. § 20501(a) **Findings** The Congress finds that-- (1) the right of **citizens of the United States** to vote is a fundamental

right.....”

C. PURPOSE OF THE NVRA

The purpose of the NVRA is stated at 52 U.S.C.A. § 20501 **(b) Purposes**, to wit:

The purposes of this chapter are--

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this chapter in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

At 52 U.S.C.A. § 20502 the law is clear “As used in this chapter-- **(2)** the term “Federal office” has the meaning stated in section 30101(3) of this title.....” At 52 U.S.C.A. § 30101 the law states “When used in this Act:**(3)** The term “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.”

According to federal law the NVRA guarantees “citizens of the United States” the right to vote in elections for federal offices which means the “office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress”. By its terms “National” “Voter” “Registration” “Act” only apply to National Voters for federal elections.

D. VOTER REGISTRATION IN NORTH CAROLINA

The only registration to vote in North Carolina is the “National Voter Registration Act” and it does not qualify anyone to vote in state election for public officers of the state. This is unequivocal and undisputed by O’Brien in her motion to dismiss. Again,

there are no people of North Carolina registered to vote for Governor, state house, state senate, state judge, sheriff, or anyone else and O'Brien does not address this truth but only makes a baseless assertion these defendants are duly elected. How were they elected and by whom were they elected is not addressed and that is the crux of the issue. The "STATE OF NORTH CAROLINA" has deprived its citizens of any possibility of a lawful government of public officers elected by the people. All the defendants are unauthorized usurper/tyrants and Mrs. O'Brien will not address this fact. She says its frivolous and refused to address the words in the Unites States Code cited.

3. UNDESPUTED FACTS

Mrs. O'Brien makes the baseless assertion of the defendants being duly elected but offers nothing in support. She had notice of the statutes at issue and opportunity to respond to this information, but she has offered nothing leaving the facts unrebutted. The facts on the record pertinent to this case are:

FACT 1. Curtis Edwin Leyshon is not a "citizen of the United States" but instead is a citizen of North Carolina, a several state guaranteed a republican form of government. Unrebutted.

FACT 2. The NVRA only has authority in the "STATE OF NORTH CAROLINA", a state that includes the District of Columbia, that is not a several state. Unrebutted.

FACT 3. The purpose of the NVRA is to register "citizens of the United States" to vote in Federal elections for "President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Unrebutted.

FACT 4. All the registered voters in North Carolina are “citizens of the United States” registered under the NVRA. Unrebutted.

FACT 5. The only people qualified to vote for public officers of North Carolina are citizens of North Carolina. There are no citizens of North Carolina registered to vote in North Carolina. Unrebutted.

CONCLUSION

Mrs. O’Brien did not dispute a word of Plaintiff’s complaint. These 5 facts are the crux of the complaint and she found nothing specifically wrong but makes a broad-brush baseless assertion that the complaint is frivolous and without merit.

Mrs. O’Brien has not shown that anyone is eligible and qualified to vote for anyone running for a public office in the State. Her statement that the defendants are duly elected is baseless and without merit. All the cases cited in O’Brien’s motion to dismiss only apply to those duly elected to public office. None of the defendants are duly elected.

Mrs. O’Brien contends in her motion to dismiss “Plaintiff’s complaint relies on theories similar to those espoused by individuals commonly knowns as “sovereign citizens” who believe they are not subject to the jurisdiction of the courts and routinely attempt to delay and obstruct judicial proceedings”. Plaintiff’s complaint is based on information found at 185 A.L.R. Fed. 155 (cited in the complaint) written solely by lawyers and not “sovereign citizens”. Plaintiff’s complaint is based on the well thought out review of legal scholars and professionals like herself and Mrs. O’Brien labels this view “frivolous” and “unintelligible”. It makes perfect sense to plaintiff. Mrs. O’Brien

does not dispute a word plaintiff relies on found in the federal statutes at 52 U.S.C.A. § 20501, 52 U.S.C.A. § 20502, and 52 U.S.C.A. § 30101 in which the NVRA is codified. If O'Brien disagrees, she needs to say what part of the law she don't like. The words mean what the words say. Plaintiff did not write them.

The NVRA applies to "States" that include the District of Columbia. That is like saying water that includes a rock. Water can no more include a rock than a several state can include the District of Columbia. Each pair (water and rocks, states and District of Columbia) are mutually exclusive of the other. Plaintiff does not live in the District of Columbia or anything like it. There is no evidence available to that issue superior to Plaintiff's firsthand knowledge. In *U.S. v. Cruikshank*, 92 U.S. 542, 2 Otto 542, 1875 WL 17550, 23 L.Ed. 588, 1875, the Supreme Court of the United States held, to wit:

"We have in our political system a government of the United States and a government of each of the several States. **Each one of these governments is distinct from the others, and each has citizens of its own** who owe it allegiance, and whose rights, within its jurisdiction, it **must protect**. **The same person may be at the same time a citizen of the United States and a citizen of a State**, but his rights of citizenship under one of these governments will be different from those he has under the other. *Slaughter-House Cases*, 16 Wall. 74.

According to the Supreme Court Plaintiff **may (may not)** be citizen of the United States and a citizen of a state. In Plaintiff's case he is only citizen of the several state North Carolina and no other. Unrebutted. And as such the several state North Carolina **must protect** the rights Plaintiff has in that state. Being the Plaintiff is not a "citizen of the United States" and not a citizen of the District of Columbia he cannot be a citizen of a state that includes the District of Columbia. According to *Cruikshank*, supra, these governments are distinct from one another.

PLEA TO THE COURT

Plaintiff ask the court deny the motion to dismiss and find that none of the defendants have been properly elected as there is no one registered to vote for public officers in North Carolina, a several state or any other state. Otherwise state for the record who is qualified and registered to vote in North Carolina elections for public officers and how.

Dated this 12/21/2020.

My Hand,

Curtis Edwin Beynon

Certificate of Service

This is to certify that a copy of this response to Defendants Motion to Dismiss has been mailed to defendant's representative Elizabeth Curran O'Brien by deposit in the US Mail addressed to:

Elizabeth Curran O'Brien
North Carolina Department of Justice
PO Box 629
Raleigh, NC 27602

This, the 21st day of December, 2020

My hand,

Curtis Edwin Beynon